

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Jun 20, 2024

SEAN F. McAVOY, CLERK

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**

TIFFANY H.,¹

Plaintiff,

vs.

MARTIN O'MALLEY,
COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

No. 1:23-cv-03203-RHW

**ORDER GRANTING
STIPULATED MOTION FOR
REMAND PURSUANT TO
SENTENCE FOUR OF 42 U.S.C. §
405(g) AND CLOSING FILE**

ECF Nos. 8, 10

Before the Court is the parties' Stipulated Motion for Remand, ECF No. 10, requesting remand of the above-captioned matter to the Commissioner for additional administrative proceeding pursuant to sentence four of 42 U.S.C. § 405(g). Attorney Victoria Chhagan represents Plaintiff. Attorney Fracno Becia represents Defendant.

¹ To protect the privacy of plaintiffs in social security cases, the undersigned identifies them by only their first names and the initial of their last names. *See* LCivR 5.2(c).

1 After consideration, **IT IS HEREBY ORDERED** that:

2 1. The parties' Stipulated Motion for Remand, **ECF No. 10**, is **GRANTED**.

3 2. The above-captioned case be **REVERSED** and **REMANDED** to the
4 Commissioner of Social Security for further administrative proceeding pursuant to
5 sentence four of 42 U.S.C. § 405(g).

6 The parties have stipulated to the following instructions. On remand, the
7 Appeals Council will instruct the ALJ to:

- 8 • Re-evaluate Plaintiff's symptom allegations, including, but not limited
9 to allegations of headaches and widespread pain, consistent with 20
10 C.F.R. § 404.1529 and SSR 16-3p.
- 11 • Re-evaluate all of the medical opinion evidence and prior
12 administrative medical findings in the record;
- 13 • Offer Plaintiff the opportunity to submit additional evidence in
14 support of her claim and an opportunity for a new hearing;
- 15 • Further develop the administrative record as necessary; and
- 16 • Issue a new decision.

17 *See* ECF No. 10 at 2.

18 3. Judgment shall be entered for **PLAINTIFF**.

19 4. Plaintiff's Motion for Summary Judgment, **ECF No. 8**, is
20 **STRICKEN AS MOOT**.

1 5. Upon proper presentation, this Court consider Plaintiff's application
2 for fees and expenses under the Equal Access to Justice Act, 28 U.S.C. § 2412(d).

3 The District Court Executive is directed to enter this Order, **enter Judgment**
4 **in favor of Plaintiff**, forward copies to counsel, and **CLOSE THE FILE**.

5 DATED June 20, 2024.

6 s/Robert H. Whaley
7 ROBERT H. WHALEY
8 Senior United States District Judge
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